

5 FAM 430 DISPOSITION OF RECORDS

5 FAM 431 GENERAL

(TL:IM-19; 10-30-95)

a. The disposition of records encompasses one or more of three types of actions: transfer, retirement, and destruction. The Records Disposal Act of 1943, as amended (44 U.S.C. 3301-3303a, 3308-3314) establishes the basis for the disposition of records and sets forth procedures for obtaining necessary authorization which are discussed below and in 5 FAH-4 .

b. Extra copies of documents preserved for convenience of reference are excluded from the legal definition of records. Disposition of such material is prescribed in the records disposition schedules issued when records are retired. Although these materials cannot be considered as personal papers, an employee may accumulate for convenience of reference, extra copies of papers and other material drafted, reviewed, or otherwise acted upon by the employee. An employee may be permitted to retain these extra copies if approved in writing by the Department's Records Officer, provided that the retention would not (1) diminish the official records of the Department; (2) violate confidentiality required by national security, privacy, or other interests protected by law; or (3) exceed normal administrative economies.

5 FAM 432 TRANSFERRING RECORDS

5 FAM 432.1 General

(TL:IM-19; 10-30-95)

a. Official files may be transferred within the Department or any of its components due to changes of organization, function, diplomatic or consular jurisdiction, personnel reassignments, relocation of individuals resident abroad, or end user needs, with the agreement of the offices involved.

b. All employees must follow the Records Management Handbook procedures (5 FAH-4 H-317) when transferring records. A/IM/IS/OIS/RA/RD must be notified of each transfer by memorandum or telegram.

c. When transferring classified records, all employees must follow the security standards contained in 12 FAM and never remove classified materials from government custody.

d. The Records Service Center (OIS/RA/RSC) transfers all eligible Departmental and post records to the National Archives and Records Administration (NARA) or appropriate Federal Record Centers (FRCs), including the Washington National Records Center (WNRC) except:

- (1) Inactive official personnel folders;
- (2) Records retired to regional FRCs by Departmental field offices or the U.S. Mission to the United Nations (USUN); and
- (3) Those Department offices where arrangements have been made between OIS/RA/RSC and the WNRC for transferring records directly to a FRC.

5 FAM 432.2 Transferring Jurisdiction

(TL:IM-19; 10-30-95)

When jurisdiction over diplomatic and consular functions is transferred from one post to another, resulting from a post opening, closing, or changing status or the realignment of consular districts, records must be transferred to the new post that is required to carry on the inherited function. This includes any records needed to liquidate the affairs of a closed post. The Post Records Officer stationed at the post originally holding the records, is responsible for this transfer. Post Records Officers may contact OIS/RA/RD, for instructions, prior to making the transfer.

5 FAM 432.3 Interagency Transfers

(TL:IM-19; 10-30-95)

- a. OIS/RA/RD must be notified by memorandum or telegram of a transfer of records, to or from other federal agencies, in accordance with Presidential Order, Federal statute, or Presidential reorganization plan.
- b. OIS/RA/RD must approve any other interagency transfers. Other agency requests must be received in writing and signed by a responsible official of the requesting agency. OIS/RA/RD must also obtain approval from the National Archives and Records Administration (NARA).

5 FAM 432.4 Transferring Outside the Federal Government

(TL:IM-19; 10-30-95)

When seeking to transfer records to state or private organizations, businesses, schools, foreign government or individuals, employees must obtain OIS/RA/RD and NARA approval. Approval is based on legal, public interest and privacy considerations.

5 FAM 432.5 Transfers by Employees Between Department and Posts

(TL:IM-19; 10-30-95)

a. Department or Foreign Service employees may not take official files with them when they are reassigned to the field from the Department, to the Department from the field, or between posts unless the transfer has been approved by OIS/RA/RD.

b. Personal papers, of Department or Foreign Service employees, may be taken upon receiving the approval of the Administrative Officer. See 5 FAM 421.4 , Separation of Personal from Official Files.

c. Extra or information copies of documents, that are not a part of the official files and offices used for precedent or background purposes in performing its duties, may be taken after review by the Administrative Officer. The Administrative Officer's review determines that the removal of the records do not:

(1) Diminish the records of the Department;

(2) Violate confidentiality required by national security, privacy or other restrictions on disclosure (e.g. commercial or financial information, personnel files or investigatory records);

(3) Exceed normal administrative economies (a charge for excessive copies is within the discretion of the Department).

5 FAM 432.6 Transferring To A Safe Haven

(TL:IM-19; 10-30-95)

When possible, in an emergency, the Post Records Officer should transfer records for safekeeping (safe haven) to the Department. Posts may also safe haven records to a nearby post deemed appropriate. The decision is based on post situation and length of time records will remain at safe haven site. See 5 FAH-4 H-315.2-3 through 5 FAH-4 H-315.2-7 .

5 FAM 433 RETIRING RECORDS

(TL:IM-19; 10-30-95)

a. All offices, posts, and field offices must develop an active, continuing retirement program to release costly and limited office space and file equipment for maintaining current files and to ensure security of classified records.

b. In accordance with the records disposition schedules, issued by OIS/RA/RD and approved by NARA, offices and posts must retire records (except official personnel records) to the Records Service Center (OIS/RA/RSC) pending ultimate transfer to the National Archives or a Federal Records Center. Offices and posts shall not retire records that are eligible for disposal in less than one year.

c. Some Department bureaus, posts and field offices are authorized to retire records directly to a Federal Records Center. (See also 5 FAM 431.1 d .)

d. Posts must retire Top Secret documents, by sending them to the Records Service Center, by diplomatic pouch.

e. Eliminate records eligible for immediate disposal under approved schedules and non-record material before retiring the remaining records.

f. At posts where suitable storage space is available, the Administrative Officer may establish a records storage area under the control of the Information Program Unit for semi-active files prior to their eligibility for disposal or retirement to the Department.

g. All Department offices, including field offices and posts sections with system capability to operate the software, are required to report information on the retirement of records electronically using DS-693B, Retirement of Records. See 5 FAH-4 , Records Management Handbook, for instructions on preparing records for retirement.

h. All inactive Foreign Service National official personnel folders of State and other agencies (except Commerce) must be retired to PER/EX/ADM/RM. The retirement of these records must follow the procedures contained in Section 14.5 of the *Interagency Handbook on Foreign Service National Personnel Administration*. Additional information about the procedures contained in this handbook can be obtained by contacting PER/EX/ADM/RM.

i. Inactive personal services contracts for State employees are handled as part of the Official Personnel Folders. Inactive personal service contracts for other agencies are handled as instructed in the *U.S. Department of State Foreign National Personal Services Contracts [Handbook]*. Additional information about the procedures contained in this handbook can be obtained by contacting PER/EX/ADM/RM.

j. PER/EX/ADM/RM retires inactive official personnel files to the National Personnel Records Center in St. Louis, Missouri (see 3 FAM).

5 FAM 434 DESTROYING RECORDS

(TL:IM-19; 10-30-95)

- a. No employees shall destroy records, except in accordance with records disposition schedules issued by OIS/RA/RD and approved by the National Archives and Records Administration (44 U.S.C. 3301).
- b. Employees must contact OIS/RA/RD to obtain authorization to destroy records not covered by any schedules (See 5 FAH-4).
- c. Fines, imprisonment or both may be imposed for the willful and unlawful removal or destruction of records (see 5 FAM 423.2). These penalties do not apply to the removal or destruction of non-record material.

5 FAM 434.1 Methods of Destruction

(TL:IM-19; 10-30-95)

- a. All classified and administratively controlled records, including sensitive unclassified records, as defined in 12 FAM , must be destroyed in accordance with the provisions of the security regulations (see 12 FAM). Security regulations alone do not constitute authority for the disposal of records; they only prescribe the methods of destruction.
- b. All other unclassified material, authorized for destruction, can be disposed of or sold as waste/recyclable paper.

5 FAM 434.2 Emergency Destruction

(TL:IM-19; 10-30-95)

- a. The procedures for emergency destruction of records at a post are contained in 5 FAH-4 (Records Management Handbook), 12 FAH-1 (Emergency Planning Handbook), and the post's approved Emergency Action Plan (EAP). During an emergency, post's approved Emergency Action Plan and 12 FAH-1 take precedence over other Department records management policies and programs.
- b. In an emergency or evidence of a possible emergency, destruction is authorized in accordance with instructions governing emergencies and evacuation (see 12 FAH-1 and the post's EAP). When records are destroyed under emergency conditions, notify OIS/RA/RD, via memorandum or telegram providing the following information:

- (1) Estimate of volume of records destroyed;

(2) Description of records, including subject matter, type of records, inclusive dates, security classification; and

(3) Circumstances under which destruction took place.

c. The post's Emergency Action Plan must take into consideration the possible destruction needs of all U.S. Government agencies at post. In a crisis situation, the priorities of destruction as enumerated in 12 FAH-1 , will govern the precedence of destruction and the use of all agencies' destruction equipment. Only the Chief of Mission or the senior officer in charge decides when a post's classified or unclassified record holdings will either be reduced or totally destroyed.

5 FAM 435 DECLASSIFYING RECORDS

(TL:IM-19; 10-30-95)

The policy and guidelines for declassification of records including systematic and mandatory review are found in 12 FAM .

5 FAM 436 THROUGH 439 UNASSIGNED